



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director and Special Counsel
Hannah Zeitlin, Assistant Legal Counsel
Maria Caulder, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: February 18, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 2/12/20:

4% Reserve Fund	\$35,289,237*
Metro Self Insured Liability Claims	\$2,883,946
Judgments & Losses	\$3,163,668
Schools Self Insured Liability Claims	\$3,089,240
Self-Insured Property Loss Aggregate	\$7,538,977
Employee Blanket Bond Claims	\$706,723
Police Professional Liability Claims	\$2,167,596
Death Benefit	\$1,657,921

*This assumes unrealized estimated revenues in FY20 of \$16,839,913.

Note: No fiscal note is included for legislation that poses no significant financial impact.

– RESOLUTIONS –

RESOLUTION NO. RS2020-196 (MENDES) – This resolution authorizes the Department of Law to settle the personal injury lawsuit brought by Darrell Mintlow against the Metropolitan Government in the amount of \$20,000.

On January 25, 2019, a Davidson County Sheriff’s Office correctional officer was escorting Mr. Mintlow, an inmate at the Davidson County Male Correctional Development Center, down a hall when Mr. Mintlow hit the correctional officer with his laundry bag. In response, the correctional officer threw Mr. Mintlow to the ground, sat on him, and repeatedly struck him. The incident was captured on video. Mr. Mintlow suffers from mental health impairments that prevent him from understanding, communicating, and reacting as a typical inmate. The Davidson County Male Correctional Development Center was aware of Mr. Mintlow’s mental impairments.

Mr. Mintlow filed a lawsuit against Metro and the correctional officer as a result of this incident. Mr. Mintlow has agreed to accept a total of \$20,000 in full settlement of the lawsuit against both Metro and the correctional officer, and the Department of Law recommends that it be settled for that amount. While the Department of Law believes liability on the part of Metro is questionable, defending the lawsuit and providing outside counsel for the correctional officer (as provided in Section 2.40.130 of the Metropolitan Code) would likely far exceed the amount of the settlement.

Disciplinary action against the employee consisted of a 40 hour suspension. The officer was also ordered to attend additional training regarding the use of force. The officer was criminally charged with assault and has been indicted. The criminal case against the officer is still pending.

Fiscal Note: This \$20,000 settlement, along with the settlement per Resolution No. RS2020-203, would be the twentieth and twenty first payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$1,048,297. The fund balance would be \$2,883,946 after this payment.

RESOLUTION NO. RS2020-197 (MENDES & PULLEY) – This resolution adopts a new fee schedule for the fire marshal’s office. Ordinance No. BL2018-1187 codified a fee schedule for five specific permits and provided that amendments to the fee schedule could be approved by resolution. This resolution approves an updated fee schedule to reflect the actual costs to the fire marshal’s office for issuing permits and inspections for 38 different permits.

The fee schedule would be as follows:

1. Aerosol products storage (by quantity) - \$222
2. Amusement buildings - \$111
3. Aviation facilities - \$445
4. Carnivals/Fairs - \$111
5. Cellulose nitrate film - \$111
6. Combustible dust-producing operations - \$222
7. Combustible fibers - \$222

8. Compressed gases (Normal temperature and pressure) - \$222
9. Cryogenic fluids - \$222
10. Cutting and welding - \$56
11. Dry Cleaning - \$56
12. Exhibits and trade shows - \$101
13. Explosives - \$222
14. Flammable and combustible liquids - \$445
15. Hazardous materials storage - \$445
16. Hazardous production materials (HPM) - \$445
17. High-piled storage - \$333
18. Hot work operations - \$56
19. Industrial ovens - \$111
20. Lumber yards and woodworking plants - \$111
21. Liquid- or gas-fueled vehicles or equipment in assembly buildings - \$222
22. LP gas – \$56
23. Magnesium - \$445
24. Miscellaneous combustible storage - \$111
25. Open burning - \$222
26. Open flames and candles - \$56
27. Organic coatings - \$56
28. Places of assembly - \$222
29. Private fire hydrants - \$111 (up to four hydrants)
30. Pyrotechnic special effects material - \$222
31. Pyroxylin plastics - \$445
32. Refrigeration equipment - \$222
33. Repair garages and motor fuel-dispensing facilities - \$445
34. Spraying and dipping - \$445
35. Temporary membrane structures and tents - \$111
36. Tire-rebuilding plants - \$445
37. Wood products - \$111
38. Reinspection fee - \$65

RESOLUTION NO. RS2020-198 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-199 (MENDES, HURT, & WELSCH) – This resolution approves Amendment Six to an agreement approved in 2012 between Vanderbilt University Medical Center and the Metro Board of Health to participate as a member site for tuberculosis epidemiological consortium studies.

As originally approved per Resolution No. RS2012-452, Vanderbilt, through Duke University, is the recipient of a grant from the U.S. Centers for Disease Control and Prevention to conduct

clinical research, and has subcontracted with the Health Department to assist with the study. The Health Department's responsibilities set forth under the original contract are to provide a full-time employee devoted to this study whose responsibilities include conducting studies, enrolling patients, reporting data, and assisting in the development of presentations and publications of the study results. The Health Department provides Vanderbilt with office space and administrative/facilities support for Vanderbilt staff, including information systems, utilities, medical records management, patient registration, and data entry.

The amendment under consideration increases the contract amount by \$77,117.00. It also extends the term of the contract through September 28, 2020. All other terms and conditions of the contract are unaltered and remain in full force and effect, including a provision that either party may terminate the contract upon 30 days' notice.

Fiscal Note: The current amended grant amount is \$483,836. The additional \$77,117 per this amendment would increase the grant total to \$560,953.

RESOLUTION NO. RS2020-200 (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-201 (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-202 (MENDES, MURPHY, & OTHERS) – This resolution approves an intergovernmental agreement in the form of a general maintenance agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works for the I-440 Traffic Operational Deployment of Blue Toad Spectra Power over Ethernet (PoE) Data Collection Devices project. This project is an advanced traffic monitoring system measuring travel times and traffic patterns using non-intrusive roadside technology (anonymously collected Bluetooth signals from paired vehicles).

The specific 21 intersections where TDOT would install the Blue Toad Spectra traffic data collection devices are included on the deployment document attached to this analysis.

Metro would be responsible for all costs associated with maintenance and operation of these devices.

This has been approved by the Planning Commission.

Fiscal Note: The Department of Public Works estimates that costs associated with the maintenance and operation of the electrically operated and solar powered devices will be less than \$500 annually for all units.

RESOLUTION NO. RS2020-203 (MENDES) – This resolution authorizes the Department of Law to settle the personal injury claim of Ramiro Mandujano against the Metropolitan Government in the amount of \$32,250.

On March 14, 2019, a Metro public works employee was driving on I-24 West when the vehicle in front of him stopped suddenly. The employee could not stop in time and he struck the rear of Mr. Mandujano's vehicle causing injuries to his hands and back. Mr. Mandujano incurred medical bills totaling \$25,301.98.

Mr. Mandujano has agreed to accept a total of \$32,250 in full settlement of this claim, based upon a full reimbursement for his medical expenses plus \$6,948.02 for pain and suffering. Metro has also paid \$18,601.06 to Mr. Mandujano's insurance carrier for damage to his vehicle.

The Department of Law recommends settlement of this claim for \$32,250.

Disciplinary action against the employee consisted of a three day suspension.

Fiscal Note: This \$32,250 settlement, along with the settlement per Resolution No. RS2020-196, would be the twentieth and twenty first payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$1,048,297. The fund balance would be \$2,883,946 after this payment.

RESOLUTION NO. RS2020-204 (EVANS, MENDES, & OTHERS) – This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metro Department of Public Works for the reimbursement of railroad crossing safety improvements at a crossing on Andrew Jackson Parkway near the intersection of Old Lebanon Dirt Road in Hermitage. The project cost is estimated to be \$48,010, with Metro paying 10% (\$4,801) and TDOT paying 90% (\$43,209). The safety improvements will consist of signal upgrades, restriping, and new signage.

This has been approved by the Planning Commission.

Fiscal Note: TDOT would pay 90% of the project costs (\$43,209) and Metro would pay 10% (\$4,801).

RESOLUTION NO. RS2020-205 (O'CONNELL, MURPHY, & HENDERSON) - This resolution authorizes 300 Broadway LLC to construct and install an aerial encroachment at 300 Broadway. The encroachment consists of a double-faced, illuminated sign.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an

insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets, including the right to construct and maintain utilities, and to order the relocation of facilities at the expense of the applicant. Metro further retains the right to repeal approval of the encroachment without liability.

Plans for the encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and the installation, when completed, must be approved by the Director.

The sign's construction must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

This proposal has been approved by the Planning Commission.

RESOLUTION NO. RS2020-206 (O'CONNELL, MURPHY, & HENDERSON) - This resolution authorizes Parker Restaurant Group, LLC to construct, install, and maintain an aerial encroachment at 201 1st Avenue South. The encroachment consists of two projecting signs.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets, including the right to construct and maintain utilities, and to order the relocation of facilities at the expense of the applicant. Metro further retains the right to repeal approval of the encroachment without liability.

Plans for the encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and the installation, when completed, must be approved by the Director.

The signs' construction must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

This proposal has been approved by the Planning Commission.

– ORDINANCES ON SECOND READING –

BILL NO. BL2019-109 (O’CONNELL, HENDERSON, & ALLEN) – This ordinance amends Chapter 12.62 of the Metropolitan Code regarding shared urban mobility devices (SUMDs). In July 2019, the Council enacted Substitute Ordinance No. BL2019-1658, as amended, to terminate SUMD permits then in existence and allow the companies to continue operating at 50% capacity while a request for proposals (RFP) process was in progress. The ordinance directed the Metropolitan Transportation Licensing Commission (MTLC) to conduct the RFP process. The RFP was to select up to three companies to operate a fleet of SUMDs in Nashville, and the RFP process was to be completed within 100 days from the effective date of BL2019-1658. The MTLC was to evaluate the RFP responses in the following areas:

1. Equipment and Safety
2. Commitment to ensuring rider compliance with State and Local laws, including, but limited to DUI laws and rider age requirements.
3. Commitment to promoting proper and safe use of SUMDs, including the use of helmets.
4. Use of staffing, technology and other means to limit or prohibit use of SUMDs in restricted areas, including but not limited to, sidewalks.
5. Staffing to adequately and timely address issues with parking of SUMDs on public rights of-way, public sidewalks, and private property, the re-balancing of units during hours of operation, and issues with accessibility, especially those relevant to the Americans with Disabilities Act (ADA).
6. Response times to address issues with SUMDs.
7. Plans to coordinate and cooperate with the Metropolitan Government concerning special events.
8. Inclement weather plans.
9. Use of technology to limit operation of SUMD’s while impaired, especially after 10:00 PM on weekdays, and after 11:00 PM on weekends and holidays.

Substitute BL2019-1658 further directed the MTLC to enact temporary regulations to govern until the operator(s) are selected pursuant to the RFP. These regulations included use of technology to create no ride and slow zones, nighttime operation restrictions, safety education, signage, a complaint hotline, and a 30 minute response times for ADA related issues or complaints.

On November 12, 2019, the MTLC submitted a notice the Council that RFP timeline mandated by BL2019-1658 could not be met, and requested the Council’s cooperation regarding an extension of time to complete the process, which resulted in the filing of this ordinance.

This ordinance deletes the substance of Chapter 12.62 and replaces with new provisions. The ordinance retains the 50% fleet size reduction currently in place and establishes a new RFP process. The process is to be completed within 120 days after enactment of this ordinance. Unlike BL2019-1658, this ordinance does not include a limitation on the number of potential operators. Each selected operator would be allowed a maximum of 500 units in its fleet, which could be increased by the MTLC. The MTLC is to evaluate potential operators in the following areas:

1. Commitment to participate in regular stakeholder meetings.

2. Commitment to address safety and security concerns.
3. Commitment to partner with Metro on an ongoing basis to address needs and concerns including geographic coverage, affordability, and technology.
4. Commitment to ensure rider compliance with applicable laws, including DUI laws and minimum rider age requirements.
5. Commitment to safety, including use of helmets and safety education.
6. Use of staffing, technology, and other means to prohibit use in restricted areas, including sidewalks.
7. Ability to adequately and address improper parking, ADA issues, and to rebalance SUMDs evenly throughout the city.
8. Plans for special event coordination with Metro.
9. The ability to conform to adaptive and outcome-based, and risk-weighted regulations.
10. Willingness and ability to provide pricing and availability options for lower income persons.
11. Proposals for addressing sustainability and environmental concerns.
12. Ability to provide Metro with real time data.

This ordinance further authorizes the MTLC to set the SUMD regulations and to establish fees going forward necessary to carry out and enforce the ordinance without further Council action.

BILL NO. BL2020-115 (GLOVER) – This ordinance, as amended, would amend Chapter 10.64 of the Metro Code to require a security plan prior to obtaining a building permit for a parking structure constructed near a stadium, arena, or racetrack. Under this ordinance, no parking structure, as defined by the zoning administrator, could be constructed within 100 feet of a stadium, arena, or racetrack that accommodates or will accommodate 1,000 people or more unless a security plan prepared by a professional sports/entertainment facility security consultant is approved by the fire marshal and the department of codes administration. The security plan must, at a minimum, include mitigation mechanisms to protect spectators from attacks associated with explosives contained inside motor vehicles located on or within the parking structure.

While there are no laws pertaining to the parking of vehicles in close proximity to a stadium, arena, or racetrack, the Council Office has been advised that the various professional sports leagues have best practices associated with parking vehicles to make the facilities less vulnerable to an attack.

BILL NO. BL2020-148 (BENEDICT, WELSCH, & OTHERS) – This ordinance would amend Section 4.12.240 of the Metro Code pertaining to future contracts with private operators of detention facilities. Ordinance No. BL2017-542 established Section 4.12.240 to require future contracts for correctional facility management services to be approved by the Metro Council, and to require reports to be submitted by the contractor to the Council regarding contractor performance for future contracts. This ordinance would delete those requirements from the 2017 ordinance and substitute with new provisions that would prohibit Metro from entering into a new contract, or renewing an existing contract, with a private contractor to manage a Metro detention

facility after June 30, 2022. The ordinance would also prohibit Metro from entering into or renewing a contract with the state for the detention of incarcerated persons if the contract permits a private contractor to manage the facility.

Metro currently has a contract with CoreCivic for the operation of the Metro Detention Facility located at 5115 Harding Place housing locally sentenced felons and for the pre-trial detention of female detainees. CoreCivic (formerly Corrections Corporation of America) has been operating the facility on Metro's behalf since 1992. The term of the current emergency contract extends through July 29, 2020. Metro also has a contract with Youth Opportunity Investments, LLC for operation of the juvenile detention facility. The term of that contract extends through June 30, 2020.

The state of Tennessee originally made a \$3 million grant to Metro in 1989 to renovate and construct new facilities to provide housing for locally sentenced felons at the Harding Place Metro Detention Facility pursuant to Metro's contract with the state under the County Corrections Incentives Act (T.C.A. § 41-8-101, *et seq.*). Metro agreed to maintain at least 585 beds for felony offenders. The agreement provided that Metro would be required to reimburse the state for the amount of the grant plus interest if it ever stopped housing felony inmates at the facility. This grant agreement has been amended multiple times over the years: in 1990, 1991, 1995, 2004, and 2008. A 1995 Addendum to the contract provides that the state will reimburse Metro for its "reasonable allowable costs as provided in T.C.A. § 41-8-106, as amended, and rules and regulations promulgated by the Department of Corrections thereunder" for housing the inmates. T.C.A. § 41-8-106 provides that the state will reimburse counties "pursuant to the general appropriations act and according to rules and regulations for determining reasonable allowable costs as promulgated by department." The reimbursement rate for Davidson County was \$61.87 per inmate per day in 2019.

The 2008 amendment to the state agreement provided an additional \$10,275,000 from the state for the purpose of constructing additional correctional facilities for locally sentenced felons since the prior facility was at capacity. The 2008 amendment did not change the reimbursement language. The 2008 amendment does provide that if Metro stops housing locally sentenced felons at the additional facilities, then Metro would be required to transfer its interests in the facilities back to the state in lieu of repaying the additional \$10,275,000 grant.

Metro currently acts as a pass-through for the funds from the state to CoreCivic under the contract with the state discussed above. A 2017 report from the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) notes as follows:

"Davidson County's contract allows for locally sentenced inmates, regardless of housing location within the county, to be paid for at actual costs determined by the operating cost of the Metro-Davidson County Detention Facility, with no cap. Fiscal year 2015-16 reported costs were \$57.85, which TDOC used to establish an interim rate of \$53.63 for payments in fiscal year 2016-17. After the fiscal year ended on June 30, 2017, Davidson County will report its actual costs for the year to TDOC, who will retroactively apply that amount to the prisoner numbers for all of fiscal year 2016-17 and make any necessary

adjustments to its June payment to the county. TDOC will use those fiscal year 2016-17 reported costs to calculate a new interim rate for the first 11 months of fiscal year 2017-18, and make the same adjustment for June 2018. The state reimburses the county \$39 per day for backup inmates at all facilities.”

Thus, if Metro took over operation of the Harding Place facility then it would arguably be entitled to reimbursement of its reasonable costs (as determined per state regulations) with no specific cap on the amount. However, this does not directly line up with the findings from a December 2018 report commissioned by DCSO, which states that all sheriffs in Tennessee receive the same per diem rate from the state for managing state inmate population (\$37 per inmate per day). The state regulation applicable to cost reimbursement for housing inmates on behalf of the state provides that a county’s reasonable allowable costs are those that do not exceed “that which would be incurred by an ordinary and prudent person conducting a similar enterprise.”

This ordinance provides that any existing contract or agreement between Metro and a private contractor to operate, manage, or lease any detention facility that would otherwise be in effect as of June 30, 2022, shall be rescinded, voided, and canceled pursuant to the termination provisions within the existing contract not later than June 30, 2022. Any new contract entered into after the effective date of this ordinance to operate, manage, construct, or lease any detention facility would be required to include a provision automatically terminating the contract or agreement not later than June 30, 2022.

The director of finance submitted the attached letter to the Council stating that he is unable to certify the availability of funds for this ordinance since the total operating and capital budget requirements have not been quantified.

BILL NO. BL2020-153 (MURPHY & WELSCH) – This ordinance establishes a new fee structure for sidewalk waivers. Section 17.20.120.A.3 of the Metro Code authorizes the zoning administrator to waive, in whole or in part, the requirements of the sidewalk ordinance upon a request of the property owner or its agent. This determination of whether to grant a sidewalk waiver is made in consultation with the Planning Department, the Public Works Department, and the Water Services Department.

This ordinance would set a \$360 fee for sidewalk waiver applications, based upon the actual costs to these four departments to process these requests. There is currently no fee associated with a sidewalk waiver application.

Fiscal Note: According to the Codes Department, the average number of sidewalk waiver applications filed from September 1, 2019 to January 31, 2020, is 25 applications per month. If the number of applications remain consistent and the new fee of \$360 is assessed for each sidewalk waiver application, the estimated potential revenue from 25 applications each month would be \$9,000 or \$108,000 per year.

BILL NO. BL2020-162 (ALLEN, HURT, & OTHERS) – This ordinance amends the Metropolitan Code to prohibit vaping near entrances to hospitals. In 2012, the Council approved Ordinance No. BL2012-155 to prohibit the smoking of tobacco products within 50 feet of hospital entrances as expressly allowed by state law. In 1994, the state legislature passed a law preempting local governments in Tennessee from enacting any legislation regulating the use of tobacco products. But this law was amended by the General Assembly in 2011 to carve out a narrow exception allowing local governments to prohibit smoking near hospital entrances.

Unlike tobacco regulation, there is not an express preemption in state law pertaining to the regulation of vaping. This ordinance essentially makes the prohibition of smoking near hospital entrances applicable to vaping. The ordinance defines vaping as “the heating and aerosolization of matter which contains nicotine or other substances for the purpose of inhalation through the use of an Electronic Smoking Device (ESD).”

Pursuant to this ordinance, vaping would be prohibited within 50 feet of all hospital entrances, provided that this prohibition would be extended to 200 feet of entrances for the following facilities:

- Vanderbilt University Hospital located at 1211 Medical Center Drive
- Vanderbilt Clinic located at 1301 Medical Center Drive
- Medical Center East - North Tower located at 1215 21st Avenue South
- Medical Center East - South Tower located at 1212 21st Avenue South
- Medical Center North located at 1161 21st Avenue South
- Monroe Carroll, Jr. Children's Hospital at Vanderbilt located at 2100 Children's Way
- Vanderbilt Psychiatric Hospital located at 1601 23rd Avenue South
- Medical Arts Building located at 1211 21st Avenue South
- Vanderbilt Stallworth Rehabilitation Hospital located at 2201 Children's Way
- Saint Thomas Hospital West located at 4220 Harding Road
- Saint Thomas West Medical Office Building located at 4230 Harding Road
- NEC located at 4304-4306 Harding Pike
- Saint Thomas Mid-Town Hospital located at 2000 Church Street
- Saint Thomas Sports Medicine located at 2011 Church Street
- Saint Thomas Mid-Town – Old Security Building 1914 Church Street
- HRT Mid-State 2010 Church Street
- Medical Office Building at Saint Thomas Mid-Town located at 300 20th Avenue North
- Heart Building at St Thomas Mid-Town 301 21st Avenue North
- Faith Family Clinic 326 21st Avenue North
- Terrace Pediatrics Building 342 21st Avenue North
- Saint Thomas Heart at Saint Thomas Mid-Town located at 222 22nd Avenue North
- Saint Thomas Medical Partners UT Clinic 316 22nd Ave North
- HRT – Plazas I and II 2004 Hayes Street
- Craig Wound Care Center 2000 Murphy Avenue
- Saint Thomas Mid-Town located at 2011 Murphy Avenue

- Saint Thomas Medical Partners Express Care Clinic 1911 State Street
- Nashville General Hospital located at 1818 Albion Street
- Nashville Healthcare Center located at 1810 Albion Street
- Nashville Healthcare Center located at 1919 Charlotte Avenue

Violators would be subject to a \$50 fine if cited by a police officer and found guilty in general sessions court. The primary benefit of the ordinance would be to allow hospital facilities to put up signage stating that vaping near entrances is a violation of local law.

BILL NO. BL2020-163 (SLEDGE, MURPHY, & HENDERSON) – This ordinance abandons existing public sanitary sewer main, and easements and accepts new sanitary sewer main, sanitary sewer manholes and easements for property located at 1131 4th Avenue South.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated and abandoned easements do not have a market value according to Metro Water Services.

BILL NO. BL2020-164 (TAYLOR, MURPHY, & OTHERS) – This ordinance abandons existing public sanitary sewer main, sanitary sewer manholes and easements and accepts new sanitary sewer main, sanitary sewer manholes and easements for property located at 2300 Patterson Street.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated and abandoned easements do not have a market value according to Metro Water Services.

BILL NO. BL2020-165 (TAYLOR, MURPHY, & OTHERS) – This ordinance abandons existing water main and easements and accepts new water main and easements for properties located at 3186 and 3188 Parthenon Avenue.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated and abandoned easements do not have a market value according to Metro Water Services.

BILL NO. BL2020-166 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance abandons existing public utility and drainage easements for property located at 1018 Elm Hill Pike. It has been determined by Metro that a portion of easement rights at this property are no longer needed. This abandonment has been requested by CSP Old Tree, owner.

This has been approved by the Planning Commission. Future amendments to this legislation may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned easements do not have a market value according to Metro Water Services.

BILL NO. BL2020-167 (TAYLOR, MURPHY, & OTHERS) – This ordinance abandons existing public water and sanitary sewer main, sanitary sewer manholes and easements and accepts new water and sanitary sewer mains, sanitary sewer manholes, potential water main relocations and easements for 10 properties located on Patterson Street, State Street and McMillin Street.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated and abandoned easements do not have a market value according to Metro Water Services.

BILL NO. BL2020-168 (EVANS, MURPHY, & HENDERSON) – This ordinance accepts new public water main for property located at 7704 Rookwood Court.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market value according to Metro Water Services.

– ORDINANCES ON THIRD READING –

BILL NO. BL2019-111 (PARKER, TOOMBS, & SLEDGE) – This ordinance creates new “NS” (No STRP) districts for all zoning districts, except single and two family residential (R and RS), downtown code (DTC), and industrial districts (IWD, IR, and IG). These new NS zoning districts would be identical to all existing standards and all existing uses, except that owner occupied and not owner occupied uses would be prohibited in NS districts. The exhibit attached to the ordinance inserts references to NS districts as necessary throughout Title 17. Other minor changes, such as typographical mistakes and outdated references, would be made. This includes changing some references from the former CC district to the current DTC district.

The council office would point out that this ordinance would not rezone anyone’s property and would not restrict anyone’s use of their property currently. The ordinance just provides alternative zoning districts that could be used for future rezonings.

This was approved by the Planning Commission.

BILL NO. BL2020-116 (HAGAR, PULLEY, & OTHERS) – This ordinance, as amended, adds a new Section 13.27.010 to the Metro Code to require Metro to use the “dynamic symbol of access” when constructing or renovating Metro facilities. The Tennessee General Assembly passed the Dynamic Accessibility Act in 2019 to require the state commissioner of general services to promulgate rules for the purpose of designating a new dynamic symbol of access to be used for buildings owned or operated by the state on signage indicating access for persons with disabilities. As shown below, the dynamic symbol of access depicts a person leaning forward with a sense of movement as opposed to the traditional disabled access sign showing a person sitting upright in a wheelchair.



This ordinance essentially adopts the Dynamic Accessibility Act at the local level to become effective on July 1, 2020. The director of the department of general services will be required to promulgate the necessary rules for the purpose of designating the dynamic symbol of access to be used for Metro buildings on signage indicating access and parking for persons with disabilities, and the director of the department of public works will be required promulgate the necessary rules for use of the symbol within the public rights-of-way maintained by Metro. The symbol must be accompanied by the adjective "Accessible," when appropriate for the signage, and must be used to designate every point of access for persons with disabilities for all new Metro buildings and

property. For existing metropolitan government buildings, structures, real property, and rights-of-way, the new signage must conform to the requirements of this ordinance when:

1. the signage is replaced or repaired;
2. the area of an existing Metro building, structure, or real property containing signage is renovated; or
3. new parking areas are designated on Metro property or within the public right-of-way.

A concern was raised while the bill was pending at the state level that federal funding could be in jeopardy if the state changed the disabled access symbol. While that is very unlikely according to the state bill sponsors, the bill was amended to include language prohibiting implementation of the bill if the state receives documentation from a federal agency that compliance with a provision of this law may jeopardize federal funding or grant money for the state. This ordinance includes similar language pertaining to the threat of a loss of federal funding for the Metropolitan Government. In such case, Metro would no longer have to comply with the ordinance.

Pursuant to the amendment approved on second reading, Public Works and General Services will exhaust their existing supplies of signs before complying with the requirements of this ordinance.

Fiscal Note: This ordinance would cost Metro an additional \$1.01 per new sign since the cost of the old sign was \$6.35 and the new sign will cost \$7.36. Metro will not be retrofitting existing signs.

BILL NO. BL2020-121 (MURPHY, HENDERSON, & O'CONNELL) – This ordinance amends official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Ensworth Way from Ensworth Avenue to Woodlawn Avenue. Metro will retain all utility easements. This abandonment has been requested by Coclosure Company, applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission

BILL NO. BL2020-150 (ALLEN, SLEDGE, & O'CONNELL) – This ordinance, as amended, is an amendment to Ordinance No. BL2019-1491 pertaining to the prioritization of departmental review of permit applications and related reviews for certain affordable housing projects. In March 2019, the Council enacted BL2019-1491 directing the Metropolitan Planning Department, the Department of Public Works, the Department of Codes and Building Safety, Metro Water Services, and the Nashville Fire Department to develop and implement a prioritization process for affordable housing projects. Permits and reviews eligible for the prioritization. The prioritization currently applies to the following actions:

- Any permit issued pursuant to Chapter 16.28 of the Metropolitan Code of Laws, including master building permits, individual building permits, foundation permits, and demolition permits;
- Tree removal permits issued by the Department of Codes Administration;
- Urban Forester reviews for landscape and irrigation;

- Grading permits and related reviews issued by Metro Water Services;
- Public water and sewer extension permits;
- Cross-connection permits for private water and sewer service;
- Department of Public Works traffic study reviews;
- Reviews of public road improvements, curb cuts and sidewalks; and trash collection approvals;
- Fire Marshal life safety reviews and sprinkler and/or riser room approvals;
- Metropolitan Planning Department reviews of plans and building elevations for Planned Unit Development (PUD), overlay, or Specific Plan (SP) development; plat reviews; reviews of final plat for lot creation, right-of-way dedications, and easement dedications; and
- Permits issued for office or construction trailers on construction sites.

This ordinance would add Codes Department inspections, the issuance of certificates of occupancy, and construction inspections of stormwater facilities to the prioritization list for affordable housing projects.

BILL NO. BL2020-152 (HURT, O’CONNELL, & TAYLOR) – This ordinance, as amended, would establish the honorary designation of “Rev. Ben Sweat Way” for a portion of Cheatham Place between Arthur Avenue and 11th Avenue North. Rev. Sweat, who passed away in 2017, was the longtime Pastor of Mt. Bethel Missionary Baptist Church located on Cheatham Place. He was also a structural engineer who performed engineering design work for many schools, churches, and commercial buildings in Nashville.

Section 13.08.025 of the Metro Code provides a procedure for the designation of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two honorary street signs per street – at each end of a street – beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map. No honorary street sign can be installed honoring a living person; and each member of council can sponsor only one such ordinance each calendar year.

This ordinance does not officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of Cheatham Place.

Fiscal Note: Pursuant to MCL Sec. 13.08.025, the Department of Public Works will absorb the costs for making and installing up to five honorary street sign designations per calendar year. Any additional honorary signs after these first five must identify a specific funding source for the new signs. This honorary designation would be the first in 2020.

The total cost for installation of these two signs is anticipated by Public Works to be \$173.15.

BILL NO. BL2020-154 (O'CONNELL, MENDES, & OTHERS) – This ordinance approves Amendment 2 to the lease agreement between Metro and OP 611 Commerce Property, LLC, regarding parking spaces in the downtown library parking garage. Metro is the owner of this garage, which is operated by the Downtown Partnership through an agreement with the Metro traffic and parking commission. Ordinance No. BL2013-572 approved a lease agreement between Metro and Rogers/Welch Venture, Inc., (RWVI) for the lease of 175 spaces in the downtown library garage located at 151 6th Avenue North for 99 years. RWVI operated office space on floors 26-31 of the Renaissance Hotel and needed the long term parking agreement in order to market and sell the space. OP 611 Commerce Property, LLC is the successor in interest to RWVI.

The lease rate per space is adjusted annually to match the regular rate charged to the general public. Since the 175 spaces are for the exclusive use of the tenant, the tenant has the right under the agreement to cordon off the spaces and make them key card accessible only (commonly referred to in the parking industry as “nesting”). To date, the nesting option has not been exercised by the tenant. If the nesting option was exercised, Metro would not be able to realize any additional revenue during the evenings when the spaces aren't being used by the tenant.

This amendment to the agreement would eliminate the nesting option in exchange for the right to use an additional 50 spaces (the “expansion spaces”), for a total of up to 225 spaces, Monday through Friday between the hours of 5:00 a.m. and 6:00 p.m. The tenant would continue to pay the full rental amount for the initial 175 spaces regardless of the number of spaces actually used. If any of the up to 50 expansion spaces are used, the standard monthly rental rate would apply for each space. If any expansion spaces are not actively in use, then the tenant would pay ten percent of the applicable monthly rate per space.

This lease amendment has been approved by the traffic and parking commission and by the planning commission.

Fiscal Note: The current monthly rental rate is \$190 per space. If all 50 expansion spaces were used, the tenant would pay Metro an additional \$114,000 per year.

BILL NO. BL2020-155 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes OliverMcMillan Spectrum Emery LLC to install, construct, and maintain underground encroachments in the right-of-way located at 500 Broadway. These would consist of tree grates, bollards, a DES ventilation shaft, trees, and structural soil encroaching the right-of-way.

OliverMcMillan Spectrum Emery LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$4 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

BILL NO. BL2020-156 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes 7th Avenue Nashville Hotel Owner, LLC to install, construct, and maintain underground and structural encroachments in the right-of-way located at 710 Demonbreun. These would consist of a ventilation shaft and a landscape planter wall encroaching the right-of-way.

7th Avenue Nashville Hotel Owner, LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$4 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

BILL NO. BL2020-157 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes Nashville Downtown Partnership to install, construct, and maintain underground encroachments in the right-of-way located at 200 B Lifeway Plaza. These would consist of a solar powered bike station with nine docks and up to nine bikes encroaching the right-of-way.

Nashville Downtown Partnership has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

BILL NO. BL2020-158 (ROBERTS, MURPHY, & HENDERSON) – This ordinance authorizes the Metropolitan Government of Nashville and Davidson County to abandon existing easement rights located at 4918 B Michigan Avenue between Alley # 1206 and Michigan Avenue, formerly known as 50th Avenue North. This abandonment has been requested by Suburban Cowboys, LCC owner.

This has been approved by the Planning Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works Department, abandoned right of way has no market value when the Department has agreed that the abandoning of said right of way is considered acceptable.

BILL NO. BL2020-159 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes the Metropolitan Government of Nashville and Davidson County to abandon existing easement rights located between 701 7th Avenue South and 700 8th Avenue South, south of Fogg Street and north of Alley # 196, formerly known as Alley # 160. This abandonment has been requested by Harmolio, LLC, owner.

This has been approved by the Planning Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works Department, abandoned right of way has no market value when the Department has agreed that the abandoning of said right of way is considered acceptable.

BILL NO. BL2020-160 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance abandons existing sanitary sewer main, sanitary sewer manholes, and easements and accepts new sanitary sewer mains, sanitary sewer manholes, and easements for property located at 801 12th Avenue South.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market value according to Metro Water Services.

BILL NO. BL2020-161 (TAYLOR, MURPHY, & OTHERS) – This ordinance abandons existing sanitary sewer main, a sanitary sewer manhole and easements for properties located at 2608, 2610, and 2612 Clifton Avenue.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market value according to Metro Water Services.

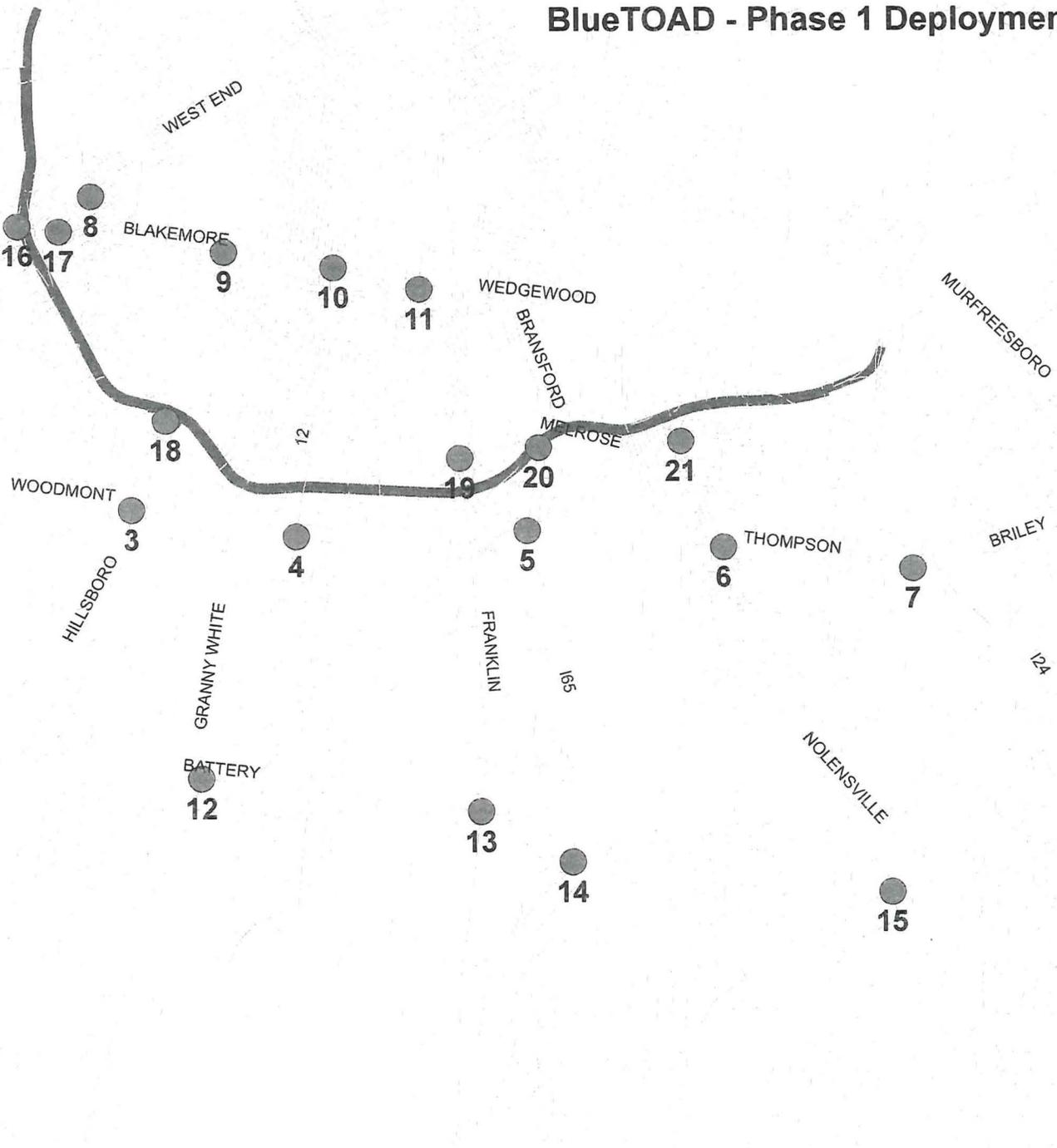
GRANTS LEGISLATION – FEBRUARY 18, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-198	<p>From: U.S. Department of Health and Human Services</p> <p>To: Metro Action Commission</p>	Increase by \$531,946.00	Increase by \$132,987.00	N/A	This would increase the total of a previously approved grant from \$13,952,753 to \$14,484,699. Grant proceeds are used to support the Head Start Program by funding a comprehensive child development program for disadvantaged children
RS2020-200	<p>From: Friends of Warner Parks</p> <p>To: Metro Board of Parks and Recreation</p>	Not to exceed \$89,050.25	\$0	Begins January 1, 2020	The proceeds from this grant are used to provide continued funding of staff positions.
RS2020-201	<p>From: Friends of Warner Parks</p> <p>To: Metro Board of Parks and Recreation</p>	Not to exceed \$2,984.00	\$0	Begins January 1, 2020	The proceeds from this grant are used to provide WiFi and a copier for the Warner Parks headquarters.

BlueTOAD - Phase 1 Deployment (I-440)

1
CHARLOTTE

2
HARDING



Id	STREET	X_STREET
1	White Bridge	Charlotte
2	White Bridge	Harding
3	Woodmont	Hillsboro
4	Woodmont	Granny White
5	Thompson	Bransford
6	Thompson	Nolensville
7	Thompson	EB I-24 Ramps
8	Blakemore	West End
9	Blakemore	21st
10	Wedgewood	12th
11	Wedgewood	8th
12	Battery	Granny White
13	Harding	Franklin
14	Harding	NB I-65 Ramps
15	Harding	Nolensville
16	Murphy	EB I-440 Ramp
17	Murphy	West End
18	21st	EB I-440 Ramps
19	Franklin	Berry
20	Bransford	Melrose
21	Nolensville	Melrose



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

JOHN COOPER
MAYOR

DIRECTOR OF FINANCE
METROPOLITAN COURTHOUSE
ONE PUBLIC SQUARE, SUITE 106
NASHVILLE, TENNESSEE 37201
(615) 862-6151
(615) 862-6156 FAX

TO: Council Member Benedict

FROM: Kevin Crumbo, Director of Finance *KC*

DATE: December 16, 2019

RE: Contracts with Private Operators of Detention Facilities

I am writing regarding your proposed legislation to discontinue contracting with private operators of detention facilities not later than June 30, 2022. I am returning the legislation unsigned due to a lack of funding availability. As noted in my correspondence to the Metro Council dated December 11, 2019, Metro has significant budget challenges that need to be addressed over the next year, and we simply do not have a complete understanding of the legislation's fiscal impact. Specifically, the total operating and capital budget impacts are not currently quantified.

Also, as reported last week, the Administration plans to initiate the budget process in January of 2020 for the Fiscal Year 2020-2021 budget. We will fully consider the proposal as outlined in your legislation over the coming months to determine these financial impacts, so that a well-informed decision can be made about how to best move forward.

I would like to thank you in advance for working with the Administration over the coming months to conduct this evaluation.

ATTACHMENT

Copy: Vice Mayor Shulman
Metro Council Members
Law Director Bob Cooper
Metro Council Director Jon Cooper